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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/870,223  
Filing Date: May 30, 2001  
Appellant(s): GALLI, DOREEN LYNN

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Jack P. Friedman  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed on 9/30/2009 appealing from the Office action mailed on 11/12/2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Appeal 2007-0338 for 09/870,223, Board decision was made on 2/21/2007.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Osder et al. (US Patent 5,493,606) hereinafter referred to as “Osder.”

Per claim 9:

Osder discloses: a method for selecting a voice prompt ...the method comprising the steps of:

- receiving commands from a telephone caller (i.e. "VMMM 32 assigns NAP Message IDs to received and recorded voice messages and via AIM 30 returns these voice Message IDs to the application involved in the telephone call," col. 8 lines 1-7);
- responsive to said received commands, determining that the voice prompt is needed (i.e. "When a Network Application 10 requires that a prompt to be played," col. 7 lines 41-42);
- responsive to said determining that voice prompt is needed, providing a variable identified with a function of the voice prompt (i.e. the SPIN application table 1 in Fig 3 assigns the values of the IDs (variable) such as UV10AE etc to point to the prompt element sets such as the tables 2-5 containing the pre-recorded prompts in SPINDB )
- assigning a first value to the variable by accessing an assignment table that is held outside the compiled code of the application program (i.e. A SPIN Application table 1 in Fig 3 lists the SPIN applications 1 to N with SPIN application IDs (identifiers) for American English, Spanish, Dutch, etc (Osder, see Fig 3). For example, the ID, "UV10AE," in column 1 identifies American English. These SPIN application IDs designate "a set of prompts and their related entities in the SPIN database and in the Voice File," Osder, col. 28 lines 30-32; The tables in SPIN

database are held outside of the Network Application and therefore, the meta-language variables to the tables are read from outside of the Network Application, Osder, col. 3 lines 48-51; col. 27 lines 27-41)

- identifying a first database record that includes a digitally encoded voice prompt consisting of the first sequence of bits wherein the bits of the first sequence of bits are stored contiguously in the identified first database record, and consisting of a first bit pattern that consists of a first contiguous sequence of bits wherein said identifying the first database record is implemented through use of the first value which selects the first database record and specifies the first bit pattern; reading the identified first database record (i.e. the ID, "UV10AE," in column 1 identifies American English in Fig 3. These SPIN application IDs designate "a set of prompts and their related entities in the SPIN database and in the Voice File (Osder, col. 28 lines 30-32). The SPIN application ID, "UV10AE" "provides a unique identifier that represents both the set of prompts that a Network Application can play and a specific language," Osder, col. 28 lines 32-37; The NAP Message IDs corresponding to the recorded voice elements are stored in a SPIN Data Base (SPINDB)," col. 3 lines 48-60; "The Message ID fields are generally utilized to speak user recorded information such as the user's recorded name or personal greeting," col. 12 lines 59-61; "Every static and dynamic element of a SPIN application is recorded in table 80," col. 10 lines 6-10)
- performing a first process that generates a first complete message from the identified first database record and speaks the generated first complete message to the telephone caller, said performing the first process consisting of the steps of:
  - passing the first bit pattern from the first database record that had been read to an audio apparatus (i.e. "The voice for the elements can be recorded through NAP and stored in the NAP voice file," col. 3 lines 48-61; "The Network Application issues a PEP command to send a prompt," col. 4 lines 5-25; col. 6 lines 11-31)
  - performing, by the audio apparatus, a digital-to-analog conversion of the first bit pattern that had been passed to the audio apparatus (i.e. The NAP is a digital platform storing the voice prompts in SPINDB as a digital format and converting them to speech when the Network application invokes playing of the prompts (col. 5 lines 42-56)
  - speaking, by the audio apparatus, the first complete message to a telephone caller, said first complete message consisting of the digital-to-analog converted first bit pattern (i.e. "you have five new messages," col. 5 lines 42-56).

Per claim 18:

Osder further discloses:

- assigning a second value to the variable by accessing the assignment table, wherein the second value of the variable differs from the first value of the variable (i.e. A SPIN Application table 1 in Fig 3 lists the SPIN applications 1 to N with SPIN application IDs (identifiers) for American English, Spanish, Dutch, etc (Osder, see Fig 3). For example, the ID, "UV10AE," in column 1 identifies American English. These SPIN application IDs designate "a set of prompts and their related entities in the SPIN database and in the Voice File," Osder, col. 28 lines 30-32; The tables in SPIN database are held outside of the Network Application and therefore, the meta-language variables to the tables are read from outside of the Network Application, Osder, col. 3 lines 48-51; col. 27 lines 27-41)
- replacing the first value of the variable in the assignment table with the assigned second value of the variable (i.e. col. 3 lines 64- col. 4 lines 1-5).
- identifying a second database record that includes a digitally encoded voice prompt consisting of a second bit pattern that consists of a second sequence of bits wherein the bits of the first sequence of bits are stored contiguously in the identified first database record (i.e. "The Message ID fields are generally utilized to speak user recorded information such as the user's recorded name or personal greeting," col. 12 lines 59-61; "Every static and dynamic element of a SPIN application is recorded in table 80," col. 10 lines 6-10)
- wherein the second bit pattern differs from the first bit pattern, and wherein said identifying the second database record is implemented through use of the second value which selects the second database record and specifies the second bit pattern (i.e. the ID, "UV10AE," in column 1 identifies American English in Fig 3. These SPIN application IDs designate "a set of prompts and their related entities in the SPIN database and in the Voice File (Osder, col. 28 lines 30-32);
- performing a second process that generates a second complete message from the identified second database record and speaks the generated second complete message to the telephone caller, said performing the second process consisting of the steps of: reading the second database record

("The SPIN application ID, "UV10AE" "provides a unique identifier that represents both the set of prompts that a Network Application can play and a specific language," Osder, col. 28 lines 32-37; The NAP Message Ids corresponding to the recorded voice elements are stored in a SPIN Data Base (SPINDB)," col. 3 lines 48-60)

- passing the second bit pattern from the second database record that had been read to the audio apparatus ("The voice for the elements can be recorded through NAP and stored in the NAP voice file," col. 3 lines 48-61; "The Network Application issues a PEP command to send a prompt," col. 4 lines 5-25; col. 6 lines 11-31)
- performing, by the audio apparatus, a digital-to-analog conversion of the second bit pattern that had been passed to the audio apparatus (i.e. The NAP is a digital platform storing the voice prompts in SPINDB as a digital format and converting them to speech when the Network application invokes playing of the prompts (col. 5 lines 42-56)
- speaking, by the audio apparatus, a second message to a telephone caller, said second message consisting of the digital-to-analog converted second bit pattern (i.e. "you have five new messages," col. 5 lines 42-56).

Per claim 19:

Osder further discloses: wherein said assigning the second value and said replacing

the first value with the second value are performed by an interactive voice response (IVR) system

administrator (i.e. col. 3 lines 64- col. 4 lines 1-5).

Per claim 20:

Osder further discloses: wherein said replacing the first value with the second value by the IVR system administrator does not comprises using special IVR programming skill to replace the first value with the second value (i.e. col. 3 lines 64- col. 4 lines 1-5, 33-37).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14, 15, 17, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osder et al. (US Patent 5,493,606) hereinafter referred to as "Osder."

Per claim 14:

Osder does not explicitly teach pertaining to the first bit pattern in the first database record consists of music wherein said speaking the first complete message comprises speaking the first complete message consisting of the digital-to-analog converted first bit pattern as said music. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include music voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 15:

Osder does not explicitly teach pertaining to the first bit pattern in the first database record consists of audio tone wherein said speaking the first complete message comprises speaking the first complete message consisting of the digital-to-analog converted first bit pattern as said audio tone. However, it would have been obvious for one having



ordinary skill in the art of computer software development and configuration to include audio tone of voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 17:

Osder does not explicitly teach pertaining to the first bit pattern in the first database record consists of a sequence of beeps wherein said speaking the first complete message comprises speaking the first complete message consisting of the digital-to-analog converted first bit pattern as said a sequence of beeps. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include various voice prompts such as including beeps as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 22:

Osder does not explicitly teach that the voice prompt pertaining to the first bit pattern in the first database record is spoken by a first speaker; wherein the voice prompt pertaining to the second bit pattern in the second database record is spoken by a second speaker; wherein said speaking the first complete message comprises speaking by the first speaker the first complete message ... wherein said speaking the second complete message comprises speaking by the second speaker the second complete message consisting of the digital-to-analog converted second bit pattern. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different voice prompts spoken by different speakers as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different purposes.

Per claim 23:

Osder does not explicitly teach that the voice prompt pertaining to the first bit pattern in the first database record is spoken by a male speaker; wherein the voice prompt pertaining to the second bit pattern in the second database

record is spoken by a female speaker; wherein said speaking the first complete message comprises speaking by the male speaker the first complete message ... wherein said speaking the second complete message comprises speaking by the female speaker the second complete message consisting of the digital-to-analog converted second bit pattern. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different voice prompts spoken by male and female speakers as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 24:

Osder does not explicitly teach the voice prompt pertaining to the first bit pattern in the first database record has a first level of formality; wherein the voice prompt pertaining to the second bit pattern in the second database record has a second level of formality that differs from the first level of formality; wherein said speaking the first complete message ...second complete message consisting of the digital-to-analog converted second bit pattern having the second level of formality. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different level of formality of voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 25:

Osder does not explicitly teach that the voice prompt pertaining...spoken by a speaker in a first wording and conveys a meaning...second wording that differs from the first wording and conveys said meaning...in the first wording that conveys said meaning...second bit pattern in the second wording that conveys said meaning. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include various voice prompts such as including a dialect as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

### **(10) Response to Argument**

1) The appellant contends that: Osder does not teach receiving commands from a telephone caller; responsive to said received commands, determining that the voice prompt is needed. Osder rather notifies the caller to begin recording a message. Osder sometimes uses the word "user" to represent a telephone caller... Appellant asserts that the preceding quote from Osder does not teach receiving commands from the user. Osder does not teach that the voice messages received from the telephone connection are commands from a telephone caller. The appellant further contends that Osder teaches the software directing a command to the telephone caller ("notifies a caller to begin recording a message") and not vice versa (brief 6-8). The appellant contends that it is not inherent for the Network Application to receive a command from the user in order to select the prompt to be played. The network Application could be programmed to automatically play a greeting reciting the user's name every time the user initiates a telephone connection with Osder's SPIN software, without any command being received from the user. The examiner is unable to provide any citations in Osder with accompanying analysis that allegedly demonstrates that Osder explicitly or inherently teaches that a command is received from a telephone caller, resulting in determining that the voice prompt is needed (brief, 9-11).

In response, it is noted that the only location where the term, "commands" is mentioned is on page 6, line 20 of the specification: "the processor 100 executes the application program 110 according to call flow instructions responsive to the needs and commands of a telephone caller." Based on this broad description of the term, the commands can be any caller inputs that instruct the voice prompt system to function and ultimately play the prompts over the telephone.

Both the present invention and Osder are directed to an interactive voice response system (IVR) where a caller/user and the system interact to play voice prompts over the telephone connection. They both provide a method to change/tailor the voice prompts without modifying the application program that plays prompts based on call flow contained in the program by

holding the voice prompts outside the application program. Specifically, Osder discloses a new prompt management system providing multiple spoken languages support without altering the functional code of the Network Application containing call flow and isolating the customization of the spoken prompts from the call flow and programmatic logic of the Network Application (Osder, col. 27 lines 27-41) by using SPIN that is used “on behalf of a Network Application to create or modify the prompts and the elements of the prompts to be played by the Network Application in a predetermined spoken language (Osder, col. 3 lines 48-51).” The “Network Applications Platform (NAP) ...with respect to the prompt management system” of Osder (col. 1 lines 1-11) contains telephone network functionality actuable by commands from supported Network Applications, such as commands controlling answering a telephone call, initiating a telephone call, and playing a voice message over an established telephone connection (col. 1 lines 13-20).” Just as the appellant acknowledges, in Osder, the “user effects a telephone connection with SPIN 12 via telephone 45 with respect to the user’s session of terminal 42 and **SPIN 12 prompts the user through the prompt management procedure (brief, 7, lines 1-4).**” The “connection of the telephone 45 to NAP 11 may be effected by dialing the telephone number of the SPIN assigned port and entering the SPIN User ID on the telephone keypad (col. 17 lines 52-65).” Thereafter “SPIN communicates with Expand Prompts 60, via the path 78, to play prompts to the user through the telephone 45 for controlling the recording or playing of voice (col. 18 lines 1-13).” The SPIN USER ID is a unique identifier of a user who calls in to SPIN for voice recording and play-back where a “telephone is used to record and play voice for the prompts and elements of the SPIN applications via NAP 11 (col. 16 lines 47-49).” For example, when SPIN prompts the user to enter a user option through the prompt management procedure

after the caller effects the telephone connection with SPIN 12, the user's selection in response to the SPIN prompt, for example, of recording a voice prompt is a user command for recording. In connection to the recording option presented to the caller over telephone, "The Record now?" field is used to control the session during which voice for the element will be recorded. To record voice when the element is created, "Y" is entered (col. 18 lines 44-47)." When a "Network Application 10 requires that a prompt to be played (i.e. col. 7 lines 41-42)," in response to the caller commands including dialing, entering the SPIN User ID, and responding to the SPIN prompts through the prompt management procedure, the SPIN application table that assigns the values of the IDs to point to the prompt element sets such as the tables 2-5 containing the pre-recorded prompts in SPINDB as seen in Fig 3 is accessed. The particular Network Application, SPIN, and PEP commands are generated based on the caller/user commands (user prompts through the prompt management procedure). As has been pointed out in the examiner's answer mailed on 5/16/2006, the SPIN ID values (UV10AE, UV10SP etc in table 1) are the entry points to the pre-recorded prompt elements (Osder, col. 28 lines 30-40) "for selectively playing the prompts either in American English, Spanish ...etc (col. 8 lines 32-36)" when the voice prompts are needed to be played. Therefore, the system itself would not automatically access to the SPIN without an initial caller request or command by dialing, entering the SPIN USER ID, and selecting prompts (commands) to play the specific voice prompts associated with a particular caller. One having ordinary skill in the pertinent art would know that user/caller commands are essential for an interactive voice prompt system as it is also acknowledged in the background section of the instant specification (page 1).

2) The appellant contends that Osder does not teach use of an IVR system, Rather, Osder teaches a prompt management system for playing prompts (brief, 8).

In response, Osder's system including "Network Applications Platform (NAP) ...with respect to the prompt management system(col. 1 lines 1-11)" is an interactive voice response system where a "user effects a telephone connection with SPIN 12 via telephone 45 with respect to the user's session of terminal 42 and **SPIN 12 prompts the user through the prompt management procedure (brief, 7, lines 1-4)**" to play voice prompts over the telephone connection by using SPIN that is used "on behalf of a Network Application to create or modify the prompts and the elements of the prompts to be played by the Network Application in a predetermined **spoken language** (Osder, col. 3 lines 48-51)." The "connection of the telephone 45 to NAP 11 may be effected by dialing the telephone number of the SPIN assigned port and entering the SPIN User ID on the telephone keypad (col. 17 lines 52-65)" and "SPIN communicates with Expand Prompts 60, via the path 78, to play prompts to the user through the telephone 45 for controlling the recording or playing of voice (col. 18 lines 1-13)." Therefore Osder's system is indeed an interactive voice response system where a user and system interact to play designated voice prompts.

3) The appellant further argues that "the Examiner's statement that Applicant's specification recites "when a voice prompt is needed...of the voice prompt" is irrelevant to the preceding feature of claim 9...the feature of claim 9 recites "responsive to said received commands, determining that the voice prompt is needed" which is not addressed in the preceding argument by the Examiner in "Response to Arguments" (brief 10)."

In response, as addressed above, the only portion in the whole specification (page 1-10) that mentions "commands" and describes the corresponding above limitations are: " the processor 100 executes the application program 110 according to call flow instructions

responsive to the needs and commands of a telephone caller...when a voice prompt is needed, the application program provides a metalanguage variable that identifies the function of the voice prompt” on pages 6-7. However, according to the applicant, this is “irrelevant” to the claim. Therefore, the applicant is respectfully requested to point out the other location(s) that is relevant to the limitation that describes “commands” and “responsive to said received commands...providing a variable identified with a function of the voice prompt.”

4) The appellant contends that Osder does not satisfy the preceding linking requirements that link the reading and passing steps. Osder does not even disclose the reading step of reading the identified first database record...the bit pattern of the prompt that must be passed to an audio apparatus in the passing step after performance the reading step is not a bit pattern appearing in any of the Examiner’s citations for the reading step. The bit pattern that is required to be converted by a digital-to-analog conversion in the performing step after the passing step is performed is not the bit pattern that was passed to the audio device in the passing step...In summary, the examiner’s citations for the four steps (reading, passing, performing, speaking) in the recited first process do not satisfy the aforementioned linkage requirements with respect to performance order and data coupling (brief, 12-14).

In response, despite of the overstated claim language, the plain meaning of the reading and passing steps from the specification is referenced for claim interpretation. According to the specification including the original claims, when “a voice prompt is needed, the application program 110 provides a metalanguage variable that identifies the function of the voice prompt...The assignment table 120 is then accessed in accord with the variable, thereby to assign a specific value to the variable...The database 130 of pre-recorded voice prompts is accessed at the entry point specified by the specific value of the variable...and the desired voice prompt, which is held in the database 130 as a digitally encoded audio signal, is read from the database. The voice prompt is passed to the audio apparatus 140, which provides the necessary digital-to-

analog conversion of the voice prompt, and speak voice the prompt to the telephone caller (specification page 7 lines 1-10).”

As previously stated, Osder’s SPIN application table assigns the value of the SPIN application ID variable, which is the identifier for a specific language (metalanguage variable). For example, the value UV10AE is to identify the American English prompt record (Osder, Fig. 3). The SPIN application ID is the Network Application’s sole awareness of the languages that it supports and of the pre-recorded voice elements with which it speaks these languages,” Osder, col. 28 lines 30-40). The desired American English prompt based on UV10AE is read from the SPIN database (SPINDB) storing digitized voice prompts (i.e. col. 3 lines 55-57; col. 28 lines 55-61) and passed to the Network Application to play/speak the American English prompt “in requests to play prompts (col. 27 lines 22-26)” over the telephone (audio apparatus). One having ordinary skill in the pertinent art would know that the digitized voice prompts stored in the database should be converted back to analog signals so that the voice prompts can be spoken over the telephone. Therefore, appellant’s argument above is not persuasive.

5) The appellant contends that Osder’s first process includes an assembling step that is not within the scope of the four steps (reading, passing, performing, speaking). Osder does not teach omission of the preceding assembling step of assembling the runtime voice prompt by inserting the dynamic data into the template having the static elements and the missing data. Therefore, by being required to perform said assembling step which is not a step in the claimed first process of claim 9, Osder does not teach performing the claimed first process consisting of the four recited steps. As indicated in the decision of the Board of Appeals and Interferences, Osder’s voice prompt that is spoken at runtime is assembled by inserting dynamic data into a template having static elements and missing portions. Osder does not teach that the bits of the bit pattern “you have five new messages” is stored contiguously in a first database record prior to the digital-to-analog conversion as required by claim 9. Individual static and dynamic elements are read from distinct single records in Osder. After the static and dynamic elements are read



from different database records in Osder, an assembly step must be performed in Osder to create that whole prompt. In fact, even if the whole prompt were to consist of only static elements, the assembly step would still have to be performed in Osder to assemble the static elements into the whole prompt. Therefore, by requiring an assembly step, Osder does not teach the first process of claim that consists of the four recited steps (brief 14-16).

In response, the instant claims only disclose the step of performing of the first process as “consisting of”, not all of the limitations of the claims. The first process as outlined below allows for the processing of prompts having no dynamic data, such as a greeting. The interpretation of the claims, as a whole, allow for the processing of prompts having dynamic data, as well as, prompts not having dynamic data. M.P.E.P. 2111.03, details that when the phrase “consists of” appears in a clause of the body of a claim, rather than immediately following the preamble, it limits only the element set forth in that clause; other elements are not excluded from the claim as a whole. Therefore, the fact that assembly still occurs is moot. In addition, it appears that the appellant recited the term “contiguously” in place of the term “static” which had been previously recited in the claims. Some reasonable interpretations of the term “contiguously” or “static” can be applied as the specification does not define the exact scope of the terms. First, although the appellant uses the exemplary prompt “you have five new messages” found in Osder for his argument, it is noted that the prompt is only one example given in Osder’s voice response system. Even in this exemplary prompt, “you,” for example, can be considered as a first bit pattern existing in the first database record where each bit of “you” is stored contiguously prior to the conversion. The single prompt, “you” stored as contiguous bits in the database is read from the database, passed to be converted to analog signal so that “you” can be played. Therefore, “you” itself meets the requirements of the four steps: reading, passing, performing and speaking. Second, it is noted that Osder states that every static and dynamic

element of a SPIN application is recorded in the cache element table 80 (col. 10, lines 6-9; see, fig 5A) to play the whole prompt such as "you have five new messages" to the caller over the telephone. Accordingly, the message is considered to be played contiguously. Third, the instant specification states that: "The call flow instructions may specify that the first voice prompt heard by a telephone caller be a greeting. In the database 130 there could be a number of pre-recorded digitally encoded voice prompts that provide greetings in different languages, with different degrees of formality, spoken by male and female speakers and so forth (page 7)." Assuming that the contiguously stored bits refer to a greeting based on the specification, Osder also discloses the call flow of the Network Application directs to play the "user's recorded name or personal greeting (i.e. col. 12 lines 59-65)." As the instant invention uses the greeting as an example of the voice prompt, without further defining what the greeting consists of and does not even mention that a greeting is represented as contiguously stored bits, it is reasonable to interpret Osder's recorded personal greeting to be played is also a contiguously stored voice prompt. Therefore, applicant's argument is not persuasive. In conclusion, although the applicant embellished the claim language in attempt to overcome Osder, the examiner finds the amended claims are the same in scope as the previous claims based on the scope of the specification on page 1-10.

### ***Ground of rejection 2***

6) Per claims 14, 15, 17, and 22-25:

Appellant continues to argue referencing KSR Int'l Co. v. Teleflex Inc that:

Osder does not disclose the various characteristics of the voice prompts such as music (claim 14), audio tone (claim 15), beeps (claim 17), different speakers (claim 22), male/female speakers (claim 23), formality (claim 24), wording/dialect (claim 25). In light of the preceding analysis by the BOAI, Appellant has restructured the

language of claims in a manner that the recited attributes of the voice prompts do not merely describe the content of the data stored in the voice prompt database but actually recite the active method steps of speaking the first message. Appellant asserts that the examiner has not cited any prior art that discloses the preceding feature of including various different characteristics of voice prompts such as music or beeps recited in the claims (brief 18-24).

In response, the instant specification states that “vocal, dialect, or linguistic characteristics of voice prompts according to local demographics or according to other management preferences” are to “improve customer relations in national or international scope (specification, page 2).” The instant specification goes on to state that the “terms speech and voice prompt are to be taken broadly as these terms are intended here to encompass all kinds of audio signals, specifically including music, tones such as beeps, and sequences of tones, as well as spoken or synthesized words. Consequently, the voice prompts held in the database 130 may include musical components, tones, and sequences of tones as well (page 7).” Osder’s prompt management system also provides the capability to create and modify the prompts and the elements of the prompts to be played (col. 4 lines 1-5; “speaks a different language or dialect,” “prompts spoken by a man or by a woman,” col. 28 lines 30-61). Osder’s new prompt management system provides “**the ability to customize both the spoken voice** and grammatical organization of a Network Applications’ prompts...from the call flow and programmatic logic of the Network Application (Osder, col. 27 lines 27-41).” Therefore, as Osder’s system allows having different characteristics of voice prompts as in the instant invention, the modification of Osder to include different voice prompts such as music, beeps etc recited in the above claims is obvious for different personal preferences and purposes. Furthermore, the various vocal, dialect and linguistic characteristics of voice prompts such as beeps, music, spoken words etc are simply the data content stored in the database. Playing prompts that provide greetings spoken, for

example, by a man or a woman, or music, beeps is not patentably distinct. In addition, Appellant's specification acknowledges that it is known in the art for programmers to “**tailor** the vocal, dialect, or linguistic characteristics of voice prompts” in interactive voice response systems (see the background section of the Specification 2:3-11). This teaching strongly suggests that the voice prompts can be tailored to suit particular needs and preferences. This acknowledgment also directly contradicts the appellant's contention that the various characteristics of the voice prompt such as music or beeps are “unknown in the prior art (brief 18-24).” In conclusion, these teachings amply support the obviousness to tailor Osder's voice prompts in the manner recited in claims for users with different preferences and purposes.

**(11) Related Proceeding(s) Appendix**

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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